

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-CV-24299-MORENO/TORRES

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

vs.

AMOR DE JESUS, CORP.,
SWEET LIVING FACILITY INC.,
JOSE MACHADO,
ZELMIRA QUINONEZ, and
AMINTA QUINONEZ,

Defendants.

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANT, JOSE MACHADO'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Maria Elena Chavez Letona, by and through her undersigned counsel and pursuant to Fed. R. Civ. P. 12, Local Rule 7.1, and other applicable Rules and laws, hereby requests that the Court grant her an extension of time to respond to Defendant Jose Machado's Motion for Summary Judgment based on the following good cause:

1. Defendant Jose Machado filed his Motion for Summary Judgment on May 13, 2024 [ECF No. 60].
2. Plaintiff's response thereto is currently due to be filed on May 28, 2024.
3. The additional time is necessary because, as stated in Plaintiff's Agreed Motion to Continue Trial and Related Pretrial Deadlines [ECF No. 51], the undersigned has been unable to complete the depositions of Defendants Aminta Quiñonez and Zelmira Quiñonez as a result of

their purported need to suspend the depositions due to personal time constraints. *See* ECF No. 51 at ¶¶ 4-7.

4. As a result of Defendants Aminta Quiñonez and Zelmira Quiñonez and their counsel's lack of availability to attend their continued depositions prior to the discovery deadline originally set by the Court, April 26, 2024, the Court has granted a forty-five (45) day extension of all case deadlines. *See* ECF No. 55.

5. Per the Court's forty-five (45)-day extension of case deadlines, the parties' amended deadline to complete discovery is now June 10, 2024.

6. Upon the undersigned office's attempts to coordinate the continued depositions of Defendants Aminta Quiñonez and Zelmira Quiñonez, the office of Defendants' Counsel, Emmanuel Perez, has represented that Mr. Perez has no availability prior to June 10, 2024, but has provided the following potential dates for these continued depositions: June 19, 20, and 26, 2024.

7. Plaintiff must conduct the depositions of Defendants Aminta Quiñonez and Zelmira Quiñonez for the purpose of obtaining evidence which may demonstrate the existence of material factual disputes before she is able to respond to Defendant Machado's Motion for Summary Judgment.

8. Additionally, Plaintiff's deposition is currently set for May 31, 2024. The undersigned anticipates that Plaintiff's testimony will demonstrate disputes as to the material facts alleged in Defendant Machado's Motion for Summary Judgment.

9. Plaintiff will suffer prejudice if she is required to respond to Defendant Machado's Motion for Summary prior to the completion of her deposition, as well as the depositions of Aminta Quiñonez and Zelmira Quiñonez.

10. Pursuant to Fed. R. Civ. P. 6(b)(1), “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.”

11. It follows that this Court has the power to “control the disposition of the causes on its docket with economy of time and effort for itself, for counsel and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936); *also see Clinton v. Jones*, 520 U.S. 681, 706-707 (1997).

12. Accordingly, Plaintiff requests that the Court grant her an extension of time through July 12, 2024 to file her Response to Defendant Machado’s Motion for Summary Judgment.

WHEREFORE Plaintiff, Maria Elena Chavez Letona, respectfully requests that the Court grant her the Extension of Time requested above due to the good cause shown.

LOCAL RULE 7.1 CERTIFICATION

I HEREBY CERTIFY that the undersigned has conferred with counsel for Defendants, who opposes the relief sought in this motion.

Respectfully submitted this 24th day of May 2024.

s/ Patrick Brooks LaRou
Brian H. Pollock, Esq.
Florida Bar No. 174742
Email: brian@fairlawattorney.com
Patrick Brooks LaRou, Esq.
Florida Bar No. 1039018
Email: brooks@fairlawattorney.com
FAIRLAW FIRM
135 San Lorenzo Ave, Suite 770
Coral Gables, FL 33146
Telephone: (305) 928-4893
Counsel for Plaintiff